

Message Text

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PAGE 01 STATE 199040
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FM SECSTATE WASHDC
TO AMEMBASSY OTTAWA IMMEDIATE

C O N F I D E N T I A L STATE 199040

E.O. 11652: GDS

TAGS: ENRG, CA

SUBJECT: VESSEL TRAFFIC MANAGEMENT IN NORTHEAST PACIFIC
-- MESSAGE TO JAMIESON FROM SECRETARY

1. PLEASE CONVEY TO EXTAFF MINISTER JAMIESON FOLLOWING
MESSAGE FROM SECRETARY. ORIGINAL OF LETTER BEING POUCHED.
2. BEGIN TEXT: "DEAR DON : THANK YOU VERY MUCH FOR YOUR
LETTER OF JULY 28 CONCERNING THE ONGOING BILATERAL DIS-
CUSSIONS BETWEEN OUR TWO GOVERNMENTS REGARDING VESSEL
TRAFFIC MANAGEMENT IN THE STRAIT OF JUAN DE FUCA. I REGRET
THAT MY TRIP TO THE MIDDLE EAST HAS DELAYED MY RESPONSE,
BUT I WISHED TO REVIEW OUR POSITION CAREFULLY BEFORE GETTING
BACK TO YOU.

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 199040

3. THE UNITED STATES FULLY SHARES CANADA'S CONCERN THAT
TANKER TRAFFIC SERVICING THE TRANS-ALASKA PIPELINE BE CON-
DUCTED WITH THE MINIMUM POSSIBLE ENVIRONMENTAL RISK. THE
INCREASE IN THE TANKER TRAFFIC IN THE JUAN DE FUCA AREA FROM
THIS TAPS SERVICE WILL BE ONLY ABOUT 10 PERCENT OVER THE
FORESEEABLE FUTURE. I THINK YOU WILL AGREE THAT THE EXTEN-

SIVE SAFETY MEASURES REQUIRED BY THE UNITED STATES GOVERNMENT FOR THE TAPS TRAFFIC AS WELL AS THE VESSEL TRAFFIC

ARRANGEMENTS NOW IN PLACE IN THE STRAIT AND THE IMPROVEMENTS CONTEMPLATED BY OUR TWO GOVERNMENTS SUBSTANTIALLY ACHIEVE OUR SAFETY OBJECTIVES. I AM CONFIDENT THAT OFFICIALS OF OUR TWO GOVERNMENTS WILL CONTINUE TO WORK MOST CLOSELY TOGETHER ON ALL ASPECTS OF THE SITUATION IN RECOGNITION OF THE FACT THAT THIS IS AN ENVIRONMENTAL AND ENERGY SUPPLY PROBLEM THAT BOTH COUNTRIES SHARE.

4. FOLLOWING YOUR LETTER, WE HAVE REVIEWED OUR POSITION CONCERNING THE JUAN DE FUCA STRAIT. I AM PLEASED TO BE ABLE TO TELL YOU THAT WE CAN NOW AGREE TO REMOVING THE REQUIREMENT OF CONFIDENTIALITY WHICH WAS PREVIOUSLY ATTACHED TO OUR NEGOTIATIONS ON A MANDATORY TRAFFIC CONTROL SYSTEM. HOWEVER, THERE STILL IS CONCERN ON OUR SIDE REGARDING POSSIBLE IMPACTS OF A PUBLIC ANNOUNCEMENT AS TO THE CHARACTER OF THE WATERS TO THE SOUTH OF THE INTERNATIONAL BOUNDARY IN THE STRAIT. BECAUSE OF THIS CONCERN, WE DO NOT INTEND TO TAKE A PUBLIC POSITION ON THE STATUS OF THESE WATERS AT THIS TIME AND WOULD ASK THAT CANADA BE GUIDED BY THE SAME RESTRAINT. NONETHELESS, WE BELIEVE THAT SIGNATURE AND IMPLEMENTATION OF OUR AGREED TRAFFIC SERVICE SCHEME NEED NOT BE DELAYED FOR JURISDICTIONAL REASONS.

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 STATE 199040

5. IN YOUR LETTER YOU ALSO RAISED THE QUESTION OF THE NEED ON THE US SIDE FOR IMPLEMENTING LEGISLATION. AS CANADIAN OFFICIALS HAVE BEEN AWARE, THE US COAST GUARD REQUIRES MODIFICATION TO ITS EXISTING AUTHORITY TO PERMIT IT TO ENTER INTO THE AGREEMENT THAT BOTH COUNTRIES CONTEMPLATE, INVOLVING MANDATORY VESSEL TRAFFIC MANAGEMENT FUNCTIONS BY OUR COAST GUARD IN CANADIAN WATERS, AND AUTHORIZING THE CANADIAN COAST GUARD TO OPERATE THE MANDATORY SYSTEM IN US WATERS. WE ARE ACTIVELY SUPPORTING THE REQUIRED LEGISLATION WHICH HAS ALREADY PASSED THE US SENATE AND ANTICIPATE HAVING THE NECESSARY AUTHORITY AVAILABLE BY THE END OF THIS SESSION OF CONGRESS. IN THE MEANTIME APPROPRIATION OF THE NECESSARY FUNDS TO UPGRADE THE SYSTEM AND PLANNING FOR SYSTEM DESIGN AND EQUIPMENT ACQUISITION IS GOING FORWARD.

6. MORE DIFFICULT IS THE QUESTION YOU RAISE OF THE ENFORCEMENT OF REGULATIONS CONCERNING EQUIPMENT, DESIGN, CONSTRUCTION, AND MANNING OF SHIPS NAVIGATING CANADIAN WATERS DEPARTING FROM UNITED STATES PORTS. OUR PROPOSED AGREEMENT PROVISION CALLING FOR RECIPROCAL ACCEPTANCE OF EACH

COUNTRY'S VESSEL REGULATIONS AS MEETING THE STANDARDS OF THE OTHER WOULD APPLY ONLY TO VESSELS TRANSITTING THE WATERS OF ONE COUNTRY SOLELY ENROUTE TO OR FROM A PORT OF THE OTHER. UNDER THE PROPOSED VESSEL MANAGEMENT PLAN

VESSELS GOING TO AND FROM US PORTS WILL PASS THROUGH CANADIAN WATERS ONLY ON THEIR OUTWARD VOYAGE IN TRANSITTING THE CANADIAN SECTOR OF JUAN DE FUCA STRAIT. UNDER THE US PROPOSAL, ONLY THIS OUTBOUND TRAFFIC WOULD BE DEEMED, IF IT MET US STANDARDS, TO COMPLY WITH CANADIAN REQUIREMENTS. IN THE CASE OF TANKERS, THEY WOULD, OF COURSE, BE EMPTY OF OIL ON THIS PHASE OF THEIR VOYAGE. AT ALL OTHER TIMES, VESSELS TRANSITTING THE AREA ENROUTE TO AND FROM US PORTS WILL BE IN US WATERS.
CONFIDENTIAL

CONFIDENTIAL

PAGE 04 STATE 199040

7. WE HAVE NOT CONSIDERED THIS PROVISION WITH ITS LIMITED IMPACT ON CANADIAN REGULATORY AUTHORITY A DEROGATION OF THE SOVEREIGNTY OF EITHER COUNTRY. RATHER, WE SEE IT AS A POSITIVE EXPRESSION ON THE PART OF BOTH GOVERNMENTS OF THEIR WILLINGNESS TO COOPERATE CLOSELY IN THIS AREA OF COMMON CONCERN AND AS A STEP WHICH WOULD HAVE ONLY A LIMITED IMPACT ON CANADA IN VIEW OF THE GENERAL COMPATIBILITY OF OUR REGULATORY SCHEMES, ITS APPLICATION TO OUTGOING US VESSELS ONLY, AND THE CLEAR INDICATION THAT MARINE SAFETY REGULATIONS IN BOTH COUNTRIES WILL CONTINUE TO BE STRENGTHENED IN THE FUTURE. THE US GOVERNMENT IS PREPARED TO ACCEPT CANADIAN REGULATION FOR VESSELS TRANSITTING US WATERS ENROUTE TO OR FROM CANADIAN PORTS, ALTHOUGH EXTENSIVE TRANSIT IN BOTH DIRECTIONS IS INVOLVED.

8. WE BELIEVE SUCH A PROVISION IS AN ESSENTIAL ELEMENT OF ANY MANDATORY AGREEMENT WHICH BY ITS TERMS WOULD FORCE THE VESSELS IN THE TRADE OF ONE NATION INTO THE WATERS OF THE OTHER. UNDER PRESENT PRACTICE AND WITH REASONABLE SAFETY, VESSELS CAN ENTER AND LEAVE UNITED STATES PORTS SOUTH OF THE BOUNDARY LINE IN THE STRAIT WITHOUT LEAVING US WATERS. WITHOUT THE RECIPROCAL PROVISION WE SUGGEST, THE PROPOSED AGREEMENT WOULD REQUIRE VESSELS WHICH HAVE NO COMMERCIAL CONNECTION WITH CANADA TO SUBJECT THEMSELVES TO, COMPLY WITH, BE CERTIFIED FOR, AND KEEP ABREAST OF A WIDE RANGE OF CANADIAN REGULATORY REQUIREMENTS AND BE BARRED FROM THE AREA OR PENALIZED FOR FAILURE TO MEET THESE CANADIAN STANDARDS. WHILE THE US AND CANADIAN REGULATIONS ARE LARGELY COMPATIBLE, THERE ARE EXISTING DIFFERENCES, AND EITHER IS SUBJECT TO CHANGE IN THE FUTURE. ADMINISTRATIVE BURDENS, OPERATING EXPENSES AND POTENTIAL LIABILITY WOULD RESULT FOR THE SHIPPING INDUSTRY WHICH OUR
CONFIDENTIAL

CONFIDENTIAL

PAGE 05 STATE 199040

RESPONSIBLE AGENCIES AND INDUSTRY REPRESENTATIVES CONSIDER
UNNECESSARY AND UNJUSTIFIED, PARTICULARLY IN VIEW OF THE
VERY LIMITED CANADIAN REACH INVOLVED.

9. IN OUR JUDGMENT, AN AGREEMENT FOR A MANDATORY SYSTEM
WHICH DOES NOT ADEQUATELY TAKE ACCOUNT OF THIS PROBLEM
WILL BE UNACCEPTABLE AMONG THE AFFECTED US INTERESTS AND

COULD NOT BE EFFECTIVELY CARRIED OUT. I WOULD THEREFORE
HOPE THAT YOU COULD RECONSIDER THE POINT TO SEE WHETHER
SOME FORMULA FOR ACCOMMODATION CAN BE WORKED OUT. WARM
REGARDS, CYRUS VANCE." END TEXT. CHRISTOPHER

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